

IN THE APPEALS CHAMBER

Before:

**Judge Mohamed Shahabuddeen, Presiding
Judge Lal Chand Vohrah
Judge Rafael Nieto-Navia
Judge Patricia Wald
Judge Fausto Pocar**

Registrar:

Mr. Hans Holthuis

Order of:

9 March 2001

THE PROSECUTOR

v.

**BLAGOJE SIMIC
MILAN SIMIC
MIROSLAV TADIC
STEVAN TODOROVIC
SIMO ZARIC**

SCHEDULING ORDER

Representatives for NATO and the Relevant States

Counsel for the Prosecutor

Mr. Graham Blewitt

Counsel for the Accused

Mr. Slobodan Zecevic, for Milan Simic
Mr. Igor Pantelic and Mr. Novak Lukic, for Miroslav Tadic
Mr. Deyan Ranko Brashich and Mr. Nikola Kostich, for Stevan Todorovic
Mr. Borislav Pisarevic and Mr. Aleksander Lazarevic, for Simo Zaric

THE APPEALS CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991 ("the Appeals Chamber"),

NOTING the "Notice of Motion for Judicial Assistance" filed by the Defence of Stevan Todorovic ("the Defence") on 24 November 1999;

NOTING the "Decision on Motion for Judicial Assistance to be Provided by SFOR and Others", issued

and filed by Trial Chamber III on 18 October 2000 ("the Impugned Decision");

NOTING that Canada, Denmark, France, Germany, Italy, The Netherlands, Norway, United Kingdom, and the United States of America ("the Relevant States") and the North Atlantic Treaty Organisation ("NATO") have sought review of the Impugned Decision (the "Requests for Review") pursuant to Rule 108 *bis* of the Rules of Procedure and Evidence ("the Rules") and have submitted written briefs and that the Prosecutor has likewise submitted a written brief;

NOTING the plea entered by the accused Stevan Todorovic on 13 December 2000 before a single Judge in Trial Chamber III;

NOTING the "Scheduling Order" issued on 18 December 2000 whereby the Appeals Chamber, "gives liberty to the Relevant States, NATO, the Prosecutor and the Defence for the co-accused Milan Simic, Miroslav Tadic, Stevan Todorovic and Simo Zaric, to submit briefs by Wednesday 3 January 2001 as to the effect of the said plea on the continuance of the proceedings relating to the Requests for Review" and the briefs submitted pursuant thereto;

NOTING that on 19 January 2001 the full bench of Trial Chamber III considered the said plea in accordance with the Rules ("the Hearing of 19 January 2001");

NOTING the "Motion Pursuant To Rule 73 To Withdraw All Pending Motions &TC SsicC" filed by the Defence on 25 January 2001;

NOTING FURTHER the "Decision on Prosecution Motion to Withdraw Counts of the Indictment and Defence Motion to Withdraw Pending Motions" dated 26 February 2001 ("the Decision on Motions for Withdrawal");

HEREBY gives liberty to the Relevant States, NATO, the Prosecutor and the Defence for the co-accused Milan Simic, Miroslav Tadic, Stevan Todorovic and Simo Zaric, to submit briefs within 10 days from the filing of this Scheduling Order as to the effect of the Hearing of 19 January 2001 and the Decision on Motions for Withdrawal, on the continuance of the proceedings relating to the Requests for Review, including in particular the question whether there is still need to consider the order made by Trial Chamber III dated 18 October 2000 for judicial assistance from NATO and SFOR and the issue of a subpoena in due course to General Shinseki requiring him to provide evidence in an evidentiary hearing.

Done in English and French, the English text being authoritative.

Judge Mohamed Shahabuddeen
Presiding

Dated this ninth day of March 2001,
At The Hague,
The Netherlands.

[Seal of the Tribunal]